



New Jersey Department of Children and Families Policy Manual

Manual:	CP&P	Child Protection and Permanency	Effective Date:
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Chapter:	C	Initial Response	4-1-2013
Subchapter:	5	Investigation	
Issuance:	400	Investigation of Abuse or Neglect in Unregistered Family Day Care Homes	

Definition

7-1-92

A family day care home is a private home in which child care services are provided.

There are two types of family day care homes:

- Registered family day care homes which are registered by the local family day care sponsoring organization authorized to register such homes under the State's voluntary registration program; and
- Unregistered family day care homes which
 - provide care for fewer than 6 children (5 or less) excluding children who reside in the home, and
 - are not registered with the local family day care sponsoring organization.

A family day care home which is unregistered and which provides care for 6 or more children under 6 years of age is considered, by law, to be a child care center. Investigations of such child care centers are conducted by the Institutional Abuse Investigation Unit.

See IAIU policy on Unregistered Family Day Care Homes.

Investigation of Abuse or Neglect in Family Day Care Homes 7-1-92

Referrals of abuse or neglect in unregistered family day care homes are investigated by a Worker from the Local Office in whose catchment area the home is located. The investigation is conducted per policy in [CP&P-II-C-5-800](#).

Referrals of Abuse/Neglect in Registered Family Day Care Homes are investigated by an Investigator in the IAIU Regional Office in whose catchment area the home is located.

Screening to Determine Status of Home 7-1-92

The Worker determines whether the home is a registered family day care home by: asking the provider and checking for a valid Certificate of Registration, or contacting the local sponsoring organization and confirming that the provider is registered.

Notification Responsibilities/Protocol 3-16-2009

- The Local Office Worker notifies the State Central Registry (SCR) when the report comes to the attention of the Local Office first.
- SCR notifies the Office of Licensing (OOL) of referrals of homes for which the status cannot be determined, including unlicensed programs for six (6) or more children under the age of six (6).
- SCR assigns to the Institutional Abuse Investigation Unit (IAIU) reports about family day care homes which are registered; as well as those not registered which provide care for six (6) or more children under six (6) years of age (i.e., SCR refers homes to IAIU for investigation which are not registered but should be registered in accordance with regulation).
- SCR assigns to the Local Offices reports about family day care homes which are unregistered, which provide care for fewer than six (6) children under six (6) years of age.
- SCR assigns any conflict cases to the Public Defender Conflict Investigation Unit (PDCIU) to investigate. See [CP&P-II-C-1-300](#).
- The assigned Local Office Worker or the IAIU or PDCIU Investigator notifies the County Prosecutor's Office, when the situation meets the criteria for reporting to the Prosecutor, as outlined in [CP&P-II-C-4-200](#), in accordance with the DCF/Law Enforcement Model Coordinated Response Protocol. See [the protocol here](#).
- The Worker/Investigator advises the family day care provider about the report and allegations, how the investigation will be conducted, and time frames for response. The provider is given the name and telephone number of the investigating Worker/Investigator and Supervisor, who can give information about the status of the investigation.

Reporting Investigation Results 4-1-2013

When a CPS report is received on an unregistered family day care home, information regarding the finding is shared (as limited by [CP&P-II-C-5-1100](#), [CP&P-IX-G-1-100](#) and [CP&P-IX-G-1-200](#)) with the family day care provider and the parent of the child victim.

The investigation includes assessing both safety and risk to day care children and other children in the home, and taking any action necessary to protect the children, per [CP&P-II-C-5-1100](#).

If abuse or neglect of one child is Substantiated or Established, and the Worker has concerns about the other children in family day care with the provider, the Worker and Supervisor confer with the DAG to determine if the situation is serious enough to seek court intervention. This includes the consideration of:

- court orders to permit CP&P to share investigation findings with the parents of non-victim children receiving family day care from the provider;
- injunctions to prohibit the provider from providing family day care to other children; and
- protective service orders for other specific remedies.

A written report of the investigation is forwarded to the Office of Licensing no later than 60 calendar days from the date the CPS report was assigned by State Central Registry to the field office for response.

At the discretion of the LO, investigation results may also be shared with older children who are the subject of the investigation and/or who will be significantly affected by the results.

No later than ten (10) calendar days from the date upon which the Division, IAIU, or PDCIU made its final investigation finding determination, the CP&P, IAIU, or PDCIU Worker or Investigator sends the family day care provider a letter indicating the investigation results.

Disagreement with CP&P Action Taken 7-1-92

Dispositional Conference - LO Level 7-1-92

If the unregistered family day care provider disagrees with the action or proposed action which results from the investigation he may request a

dispositional conference. The dispositional conference must be held within two working days of the request. A maximum of 3 staff people as designated by the LO Manager may be present from the LO; the family day care provider may bring a third party to the conference except when laws and regulations which govern disclosure of information preclude the participation of a third party. See [CP&P-IX-G-1-100](#) and [CP&P-IX-G-1-200](#). The results of the conference are shared with the family day care provider in writing within 5 working days from the date of the conference.

Dispositional Conference - Regional Level 7-1-92

When the unregistered family day care provider is not satisfied with the outcome of the LO dispositional conference, he may request a regional level conference within 5 working days of receipt of the LO conference disposition. The conference is held within 5 working days of the request.

A maximum of 3 staff people as designated by the Area Director may be present from the LO; the family day care provider may bring a third party to the conference except when laws and regulations which govern disclosure of information preclude the participation of a third party. See [CP&P-IX-G-1-100](#) and [CP&P-IX-G-1-200](#). The results of the conference are shared with the family day care provider in writing within 5 working days of the date of the conference.

A regional decision regarding the disposition of an investigation is the Final Agency Decision.

Case Recording 4-1-2013

The allegations and initial response are recorded in NJ SPIRIT, the system of record.

The following information is included as part of the investigation:

- child victim's statement;
- statement of alleged perpetrator;
- statement of child's parent(s);
- statements of witnesses;
- statements of others in the household (children and adults);
- statement of supervising Worker(s);

- statements of other collateral contacts;
- an investigation finding determination for each presenting allegation and each allegation found during the investigation, and the reasons for each chosen finding determination.

Recommendations are included regarding continued use of the home for **both** the child currently placed and for future placements. If the recommendation is to close the home, state specific reasons.

If the incident meets the criteria for completion of the Critical Incident Report, CP&P Form [21-10](#), then that form is also completed by the investigating Worker. Copies of the Investigation Summary, DCF Form [2-1](#), and Contact Activity Notes (printable as Contact Sheets, CP&P Form [26-52](#)) may be used to supplement the CP&P Form [21-10](#), particularly when the investigation has been complicated and/or lengthy.

If the matter goes to court, print out the Contact Sheets. Ensure that both the Worker and the Supervisor approve each Contact Activity Note in NJS (electronic signatures) before the case is heard at court.

Procedures Related to Investigation of Abuse or Neglect in Family Day Care Homes 7-1-92

RESPONSIBILITY	ACTION REQUIRED
Investigating Worker	<p>1. Per CP&P-II-C-6-100, determine type:</p> <ul style="list-style-type: none"> • private day care home, or • registered day care home. <p>2a.If the home is registered - or care is being provided for 6 or more children under the age of 6 - contact SCR, to make a CPS-IAIU report for IAIU investigation.</p> <p>2b.Investigate the unregistered family day care home per CP&P-II-C-6-100. Make a finding determination.</p>
	3. Assess risk to all family day care children, as well as any other children in the unregistered family day care home.
Supervisor	4. Review investigation information/findings to ensure compliance with protective services

	policy and procedures.
Investigating Worker and Supervisor	5. Determine appropriate action based on assessment of investigation findings.
Investigating Worker	<p>6. Take any action necessary to protect the child who is the subject of the report, and any other children who may be at risk.</p> <p>7. Share investigation findings with the parent(s) of any child who is the subject of the child abuse report. Consult with the DAG about court intervention per CP&P-II-C-6-100.</p> <p>8. Complete case recording in the electronic case record in NJS. Complete a Critical Incident Report, CP&P Form 21-10, when appropriate.</p>
Supervisor	9. Review all forms/material/entries; approve work in NJS or sign, as required.
Investigating Worker	<p>10. Share investigation results with the following as per policy:</p> <ul style="list-style-type: none"> • Office of Licensing • County Prosecutor's Office <p>11. Share the results of the investigation with the family day care provider per policy.</p>
Local Office Manager	12. Complete and send Family Day Care Provider PRS Complaint Notification Letter, (Click here for a sample)